

Changes to the Fisheries Act and Regulations

Key changes to licencing conditions

Introduction

Fishing is of great importance to the Northern Territory, to our indigenous culture, our lifestyle, our supply of fresh quality fish to markets and as a valuable part of our tourism appeal.

Since the Fisheries Act was enacted some 28 years ago, there have been significant changes in the Territory. Our population has grown, fishing technology has advanced considerably and there are now greater community and industry expectations for well-managed and sustainable fisheries.

On 26 May 2016, the Northern Territory Parliament passed a range of amendments to both the Fisheries Act and its regulations to remove red tape and administrative burden to promote industry development, to provide essential biosecurity powers and to meet Blue Mud Bay commitments. The legislative changes are also supported by new policies and guidelines including the *Resource Sharing Framework* and the *Harvest Strategy Policy*.

The changes are the results of over 10 years of consultations with the Northern Territory Seafood Council, the Northern Territory Guided Fishing Industry Association, the Land Councils and other interested stakeholders and will ensure that the Northern Territory has a contemporary and effective fisheries management regime that provides for the sustainable management of the Territory's aquatic resources and fisheries industry both now and into the future.

The intent of this fact sheet is to introduce you to some of the key changes that may affect you as a licensee when these amendments come in effect on 1 January 2017.

Licensing Framework

A key benefit of the new Act is a simpler and more efficient fishery licensing framework to reduce time, costs, and improve business flexibility for industry. In line with the Government's commitment to reduce red tape, the amended Act has removed unnecessary complexity and ambiguity in the current licensing framework and increased operational flexibility and security for licensees.

Key changes of note include:

- industry will be provided with greater certainty by increasing licence tenure to 10 years from the current five years and a permit may be issued for up to five years
- the concepts of short term operators and nominated persons have been removed from the Act, however, the flexibility to allow for the transfer of a licence (on either a permanent or a fixed period) has been retained. Nominated persons have been replaced by 'Approved Operators', see below for more information

- where licensees engage another person to operate their licence, the owner of a licence or permit must take all reasonable and practical measures to ensure that activities carried out under their licence or permit are conducted in a manner which is lawful.

Approved Operators

A new fishing activity authorisation, an 'Approved Operator' has been created under section 17A of the new Act. This will require every person in charge of a fishing operation (including licensees if they operate their own licence) to apply to the Director of Fisheries for 'Approved Operator' status or in the case of fishing tour operators, apply for an Approved Operator (Guide Licence). Successful applicants will be issued an Approved Operator card which can be valid for up to five years. To obtain an Approved Operator card an applicant must pass a 'fit and proper' test, which includes a national police check and must not have committed a major fishing related offence within the last five years.

A commercial fishing licensee must appoint an Approved Operator to undertake fishing operations. A list of Approved Operators will be published by the Director and licensees can appoint anyone from this list without further approval from the Director. The new system will make it easier for licence owners to appoint someone to operate their licence. This replaces the existing onerous process where each time a licence owner employs a person to work a licence on their behalf, paperwork must be submitted in advance to Fisheries licensing seeking approval.

We are currently working on the processes and systems to underpin these changes and more information will be available in the near future.

Of key importance, please note that any nominated person appointments will expire on 31 December 2016. From 1 January 2017 the new Approved Operator system will come into operation.

Vessel Registrations

The process and requirements relating to vessel registration remains mostly unchanged, however, the amended Act now enables a vessel to be registered for a period of not more than 10 years. The period of time available to notify the Director of a change of address for sending communications has also been increased, from seven days to 28 days.

Further information outlining the changes the Northern Territory Government has taken to protect our valuable aquatic resources, and the industries that depend on them, will be provided to you through additional fact sheets, industry association newsletters, website articles and other communication activities over the next few months.

If you require further clarification of the above please contact Fisheries Licensing on (08) 8999 2183 or email to fisherieslicensing@nt.gov.au.